

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION

Civil Action No. 4:20-cv-230-FL

DANIEL J. WILLIS, )  
Plaintiff, )  
v. )  
JONES COUNTY BOARD OF )  
ELECTIONS and THE NORTH )  
CAROLINA STATE BOARD OF )  
ELECTIONS, )  
Defendants. )  
STATE BOARD'S  
MOTION TO DISMISS  
Fed. R. Civ. P. 12(b)(1) & (6)

**NOW COMES** the Defendant North Carolina State Board of Elections (“State Board”), through undersigned counsel to move to dismiss Plaintiff’s Complaint pursuant to Fed. R. Civ. P. 12(b)(1), (2) & (6). Specifically, this Court lacks subject matter jurisdiction, personal jurisdiction, and the Amended Complaint fails to state a claim upon which relief can be granted. In support of the motion, Defendant files a Memorandum of Law, affidavit, and exhibits herewith.

Respectfully submitted this the 18<sup>th</sup> day of February, 2021.

**JOSHUA H. STEIN**  
**Attorney General**

/s/ Terence Steed  
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*Attorneys for State Board*

**CERTIFICATE OF SERVICE**

I hereby certify that on this date, I electronically filed the **STATE BOARD'S MOTION TO DISMISS** with the Clerk of the Court using the CM/ECF system which will automatically send electronic notice to all counsel of record, and on February 19, 2021, I mailed a copy of same via U.S. Postal Service addressed as follows:

Daniel J. Willis  
105 Cherry St.  
Trenton, NC 28585

Respectfully submitted this the 18<sup>th</sup> day of February, 2021.

/s/ Terence Steed  
Terence Steed  
Special Deputy Attorney General